

CHAPTER NO. 408

HOUSE BILL NO. 1527

By Representatives Kisber, Briley, Head

Substituted for: Senate Bill No. 1505

By Senator Rochelle

AN ACT to amend Tennessee Code Annotated, Title 16, relative to court information and reporting.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated Section 16-3-803(h) is hereby amended by adding the following as the last sentence:

To ensure comparable data from all courts, the system shall be designed to count cases according to a standard definition of a case as set forth in 16-1-117.

SECTION 2. Tennessee Code Annotated Section 16-3-803(i) is amended by deleting current section and replacing with:

(i) It is the duty of the Administrative Office of the Courts to collect, develop, and maintain uniform statistical information relative to court caseloads in Tennessee. For the purposes of monitoring the operation of the court system, reducing unnecessary delay, and assessing the responsiveness of the court system to the needs of litigants, victims of crime, and the citizens of the state, the administrative director of the courts shall have the responsibility for annually collecting, compiling, analyzing, and publishing caseload statistics pertaining to the court system. It is the responsibility of the administrative director of the courts to develop, define, update, and disseminate standard, uniform measures, definitions, and criteria for collecting statistics pertaining to the court system. These standards and reporting requirements shall be used for uniform statistical data collection in all courts, throughout the state, as established by statute or by the rules of the Supreme Court.

SECTION 3. Tennessee Code Annotated, 16-3-803 is amended by adding the following as 16-3-803(n):

(n) The Administrative Office of the Courts shall collect, develop and maintain statistical information relative to sentencing in Tennessee. To assist the Administrative Office of the Courts, the clerks of the circuit and criminal courts shall send a copy of each judgment document for a felony conviction to the administrative office of the courts. These copies shall be forwarded to the Administrative Office of the Courts no less than one (1) time each month so that all judgments rendered in one (1) month have been received by the fifteenth day of the following month. When an electronic transfer system is operational and approved by the administrative office of the courts, the judgment document for all felony convictions shall be electronically transmitted to the administrative office of the courts in the same manner required by this subsection for paper copies.

SECTION 4. Title 16, Chapter 1, of Tennessee Code Annotated, is amended by adding the following as 16-1-117:

(a) It is the duty of the Administrative Office of the Courts to collect, develop, and maintain uniform statistical information relative to court caseloads in Tennessee. To assist the Administrative Office of the Courts in this duty, the clerks of each court shall report case statistics as set forth below.

(1) Each criminal case shall be assigned a unique docket number. A criminal case in a court of record, except juvenile court, shall be defined and counted as a single charge or set of charges arising out of a single incident involving the same victim(s) concerning a defendant in one court proceeding. If a case has more than one charge, or count, the system shall be designed to count the case according to the highest class of charge or count at the time of disposition. An incident shall be all criminal activity occurring within a twenty-four (24) hour period. A court proceeding refers to a single level of court, i.e., general sessions, circuit, appeals or Supreme Court. An appeal, probation revocation, or other post-judgment proceeding is considered a separate case. This definition shall not alter the practice in the Tennessee Rules of Criminal Procedure dealing with the joinder and severance of criminal cases. Charges of a related nature shall be defined as charges against a single defendant that may have more than one victim and that are similar such as, but not limited to: burglaries, drug offenses, or serial rape. Worthless check(s) cases shall be defined and counted as all worthless checks filed by the same affiant against the same defendant within a twenty-four (24) hour period with each check counted as a

separate charge. District attorneys general shall treat multiple incidents as a single incident for purposes of this statute when the charges are of a related nature and it is the district attorney general's intention that all of the charges be handled in the same court proceeding.

(2) A civil case shall be defined as all motions, petitions, claims, counterclaims, or proceedings between the parties resulting from the initial filing until the case is disposed. A unique docket number will be assigned to a civil case upon filing. Until said case is disposed all subsequent motions, petitions, claims, counterclaims, or proceedings between the parties resulting from the initial filing will be handled under the assigned docket number and will not be assigned a new docket number. Once a civil case has been disposed and further actions occur on the case, the original case will be reopened using the same docket number under which it was originally filed and are subject to additional court costs. All subsequent motions, petitions, claims, counterclaims, or proceedings relating to the reopened case will be handled under the one reopened case docket number until disposed. Any subsequent re-openings will still use the original docket number but will be counted as a new case for case reporting purposes and are subject to additional court costs. Civil cases in courts of record shall be counted and reported to the Administrative Office of the Courts according to this definition.

(3) Beginning July 1, 2003, or sooner if practicable, all general sessions courts and municipal courts with general sessions jurisdiction shall collect and provide court data to the Administrative Office of the Courts based on the definitions for criminal and civil cases as provided in subsection (1) and (2).

(4) All courts of record except for juvenile courts, and all general sessions courts and municipal courts with general sessions jurisdiction shall report caseload data to the Administrative Office of the Courts not less than one time each month, so that all cases filed and disposed in one month have been received by the Administrative Office of the Courts by the fifteenth day of the following month in which the case is filed or disposed. The Administrative Office of the Courts shall create forms to be used by each court in reporting the caseload data.

(5) The Administrative Office of the Courts will provide written notification to any responsible party found not to be in compliance with reporting requirements. Written notification will detail the type of non-compliance and recommend the corrective action to be taken. If compliance is not achieved during the subsequent reporting period following notification, the Administrative Office of the Court will no longer accept data from the office not in compliance until such time as the errors are corrected. Notification of this action will be sent to all judges, district attorneys general, district public defenders, and court clerks within the district where the non-complying office is located. Notification will also be sent to the District Attorneys General Conference, the District Public Defender Conference, the Administrative Office of the Courts and the County Officials Association of Tennessee. Any periods of non-compliance will also be reported in the annual report to the Judicial Council and to the Chairs of the House and Senate Judiciary Committees.

(b) Any automated court information system being used or developed on or after July 1, 2003, including but not limited to the Tennessee Court Information System (TnCIS) being designed pursuant to 16-3-803(h), shall ensure comparable data will be reported to the Administrative Office of the Courts with respect to courts of record, and criminal cases in general sessions courts and municipal courts with general sessions jurisdiction, using the definitions and standards set forth in Section (a). Each system shall use the Tennessee Code citation on each criminal charge, and have the capability to use this information to classify the type and class of each charge.

SECTION 5. Tennessee Code Annotated, Section 16-2-513 is amended by deleting the existing language and inserting the following language:

(a) The comptroller of the treasury shall devise and maintain a weighted caseload formula for the purpose of determining the need for creation or reallocation of such judicial positions using case weights derived from the most recent weighted caseload study. The comptroller of the treasury shall update such formula at least annually. The comptroller of the treasury may adjust such formula as necessary to reflect the impact of any legislative enactment that is material to judicial caseloads.

(b) Each district attorney general and each public defender, separately or through the appropriate conference, the Council of Juvenile and Family Court Judges, and the Administrative Office of the Courts, shall provide to the comptroller of the treasury such information as the comptroller of the treasury determines is necessary to accomplish the purposes of this section. This information shall include caseload totals by appropriate case type for each study and total number of judicial, child support referees, district attorney, and public defender resources for each district, noting

how many are funded by the federal, state or local government. This data is to be provided to the comptroller in electronic and hard copy form on or before October 15 of each year.

(c) Using such formula, information and adjustments, the comptroller of the treasury shall annually publish a weighted caseload report analyzing the current distribution of judicial positions throughout the state as well as the current need, if any, for creation of or reallocation of such positions.

SECTION 6. Tennessee Code Annotated, 16-21-107(a)(4) is amended by deleting it in its entirety and by renumbering the remaining sections accordingly.

SECTION 7. Tennessee Code Annotated, 16-21-107(a)(5)(B) is amending by deleting the first five sentences in their entirety.

SECTION 8. Unless specifically stated otherwise herein, this act shall take effect on July 1, 2001, the public welfare requiring it.

PASSED: June 7, 2001


JIMMY RAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 19th day of June 2001


DON SUNDQUIST, GOVERNOR